

4. At the time of the commencement of this action and the filing of this Notice of Removal, the Plaintiff and the Defendants herein maintained the following citizenship:

- a. Pursuant to the Complaint, Plaintiff is a citizen of South Carolina.
- b. Defendant Costco Wholesale Corporation's principal place of business is located at 999 Lake Dr., Issaquah, WA 98027.
- c. Defendant Jason Vandal is a citizen and resident of South Carolina, who resides at 2635 Henagan Lane, Myrtle Beach, SC 29588, but, upon information and belief, was named as a Defendant based on the Plaintiff's mistaken belief that he was the General Manager of the Costco Warehouse at issue in this case for the purposes of destroying diversity. Mr. Vandal is not and has never been the General Manager of the subject location and is, accordingly, an improper party to this lawsuit. (See Affidavit of Jason Vandal, attached hereto as Exhibit B).

5. As a result, there exists a diversity of citizenship between the party Plaintiff and the proper party Defendants pursuant to 28 U.S.C. §1332 at the time of removal; at all pertinent times the Plaintiff and properly named Defendant were citizens of different states of the United States.

6. Plaintiff is seeking an unspecified amount of actual and punitive damages in this action for severe and painful injuries and other damages (Complaint, ¶ 21, 23, and 24). Prior to suit being filed, Plaintiff made a settlement demand over \$75,000.00. Based on Plaintiff's claim for damages, a jury could award relief in excess of \$75,000.00 if proved.

7. As a result, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

8. The Court of Common Pleas for Horry County is within the United States District Court for the District of South Carolina, Florence Division. Thus, by filing the Notice of Removal

in the district and division within which such action is pending, the Defendants have satisfied the requirements of 28 U.S.C. § 1446(a).

9. This Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within thirty (30) days of the receipt by the Defendants of the initial pleading setting forth the claim for relief upon which this action is based. A copy of all process and pleadings served on the Defendants is attached hereto as Exhibit A.

10. A copy of this Notice of Removal has been filed with the Clerk of Court for Horry County Common Pleas.

11. The Defendants shall pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the said action was not removable or was improperly removed.

WHEREFORE, your Petitioners pray that this Court accept this Notice of Removal, which is being filed and that this Honorable Court take jurisdiction of the above entitled cause and all further proceedings in said cause in the Court of Common Pleas, County of Horry, State of South Carolina be stayed.

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